

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOHN LEMONS,

Plaintiff,

v.

PORT ORCHARD SHERIFF'S
DEPARTMENT, et al.,

Defendants.

CASE NO. C10-5476JRC

ORDER DIRECTING PLAINTIFF
TO CURE DEFICIENT
COMPLAINT

The Court, having reviewed plaintiff's proposed complaint, (Dkt. # 1), and the balance of the record contained herein, does hereby find and ORDER the following:

Plaintiff complains of a false arrest and other unrelated instances where he has come into contact with law enforcement. The document lodged as a proposed complaint does not meet the requirements of a complaint pursuant to Fed. R. Civ. P. 8 (a). A complaint should contain: 1) a short plain statement of the court's jurisdiction; 2) a short plain statement of the claim showing the pleader is entitled to relief; 3) a demand for relief. The eight page document filed by plaintiff is a narrative of his own thoughts and conjecture much of which is inappropriate in a complaint. Plaintiff does not include the elements set forth above, as required under Fed. R. Civ. P. 8 (a).

In order to state a claim under 42 U.S.C. § 1983, a complaint must allege that: (1) the conduct complained of was committed by a person acting under color of state law; and (2) the conduct deprived a person of a right, privilege, or immunity secured by the Constitution or laws of the United States. Parratt v. Taylor, 451 U.S. 527, 535 (1981), *overruled on other grounds*,

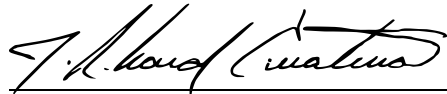
1 Daniels v. Williams, 474 U.S. 327 (1986). Section 1983 is the appropriate avenue to remedy an
2 alleged wrong only if both of these elements are present. Haygood v. Younger, 769 F.2d 1350,
3 1354 (9th Cir. 1985), *cert. denied*, 478 U.S. 1020 (1986).

4 This Court orders the following:

5 1. Plaintiff must cure these deficiencies by filing an amended complaint by no later
6 than **September 3, 2010**. If plaintiff fails to cure these deficiencies the court will recommend
7 dismissal of this matter as frivolous.
8

9 2. The Clerk is directed to send copies to plaintiff.

10 DATED this 4th day of August, 2010.

11
12 

13 J. Richard Creatura
14 United States Magistrate Judge
15
16
17
18
19
20
21
22
23
24
25
26